

# Sumter City-County Board of Zoning Appeals

November 13, 2013

**BOA-13-16,**  
**315 Kendal Ave. (City)**

The applicant is requesting a 10 foot variance from the required front setback requirement of 35 feet per Article 3, Section 3.b.5 Development Standards in the R-15 zoning district, (b.) Yard and Building Set Back Requirements, City of Sumter Zoning Ordinance, in order to construct a house. The property is located at 315 Kendal Ave. and represented by TMS# 206-08-03-003.



Appeals - Variance - Special Exception

# Sumter City-County Board of Appeals

November 13, 2013

## BOA-13-16, 315 Kendal Ave. (City)

### I. THE REQUEST

**Applicant:** Carolina Construction of Sumter LLC

**Status of the Applicant:** Contractors for project

**Request:** Variance:

- 10 ft. front setback variance to reduce the required setback to 25 ft. from 35 ft.

**Location:** 315 Kendal Ave.

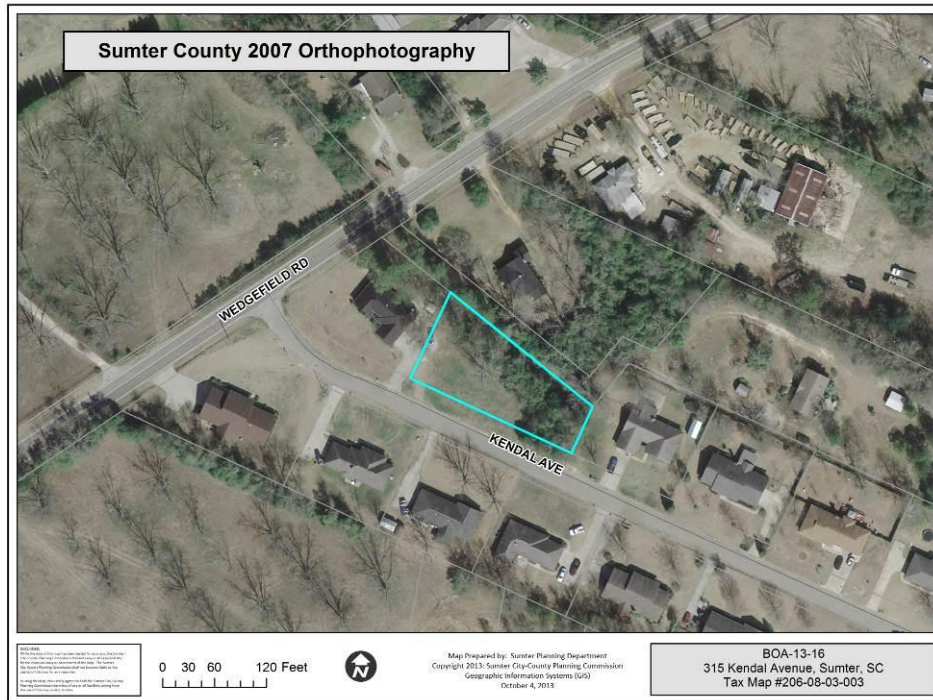
**Present Use/Zoning:** Vacant / Residential (R-15)

**Tax Map Reference:** 206-08-03-003

### II. BACKGROUND

The applicant is seeking a variance in order to construct a house on the vacant parcel at 315 Kendal Ave. (*See photos below*):

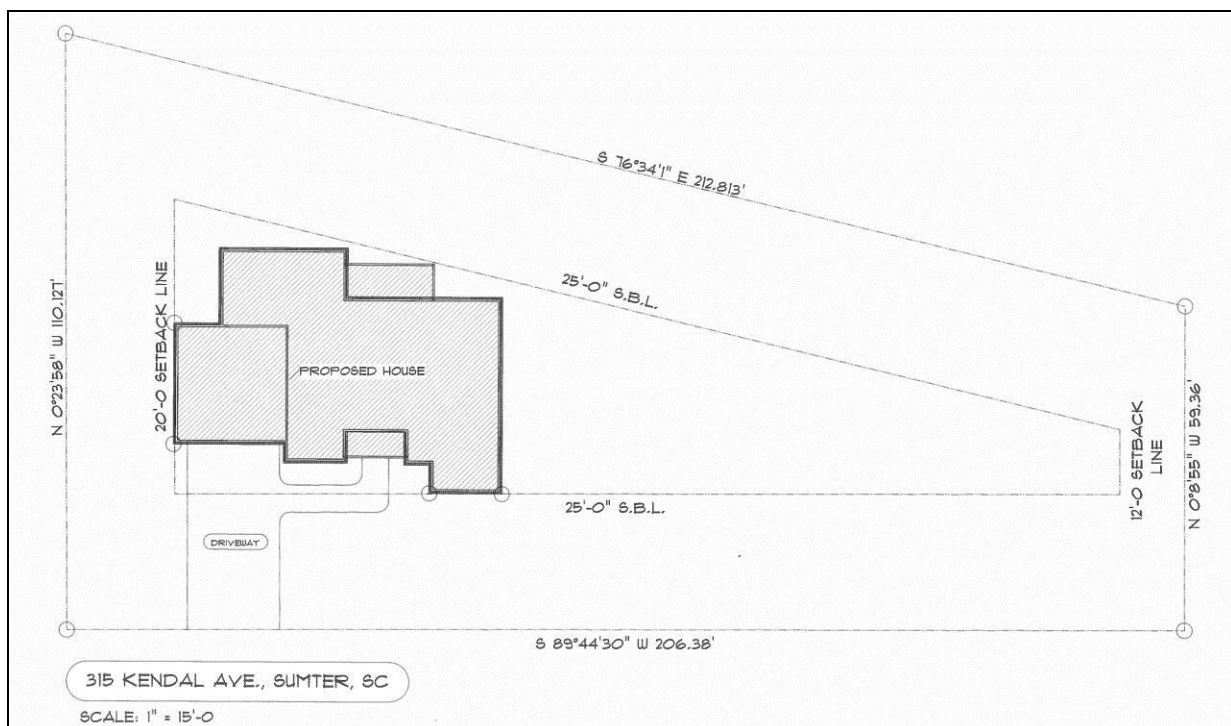




**Above:** Vacant parcel at 315 Kendal Ave. where proposed house is to be constructed if variance is approved.

### III. THE REQUEST

The applicant has submitted a site plan layout of a house with measurements of +/- 68' width and +/- 53' depth to be located on the parcel as shown **below**:





#### IV. FOUR-PART TEST

1. *There are extraordinary and exceptional conditions pertaining to the particular piece of property.*
  - *There are extraordinary conditions pertaining to this property. The parcel is odd in shape and there is no room to construct a home without a variance.*
2. *These conditions do not generally apply to other property in the vicinity.*
  - *The parcel in question is different in shape from the surrounding parcels.*



3. *Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property.*
  - *Application of the ordinance will prevent the property owner from constructing a house.*
4. *The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the granting of the variance will not harm the character of the district.*

- *Aerial photography indicates the front setbacks on Kendal Ave. range between 20' and 30' The average setback being 25 feet so therefore, this house if constructed will be in line with the adjacent properties.*

## **V. STAFF RECOMMENDATION**

This request meets all criteria in the four-part test. Staff recommends approval of BOA-13-16.

## **VI. DRAFT MOTIONS for BOA-13-16**

- A.** I move that the Sumter Board of Appeals approve BOA-13-16 subject to the findings of fact and conclusions contained in the draft order dated November 13, 2013, attached as Exhibit 1.
- B.** I move that the Sumter Board of Appeals deny BOA-13-16 subject to the findings of fact and conclusions contained in the draft order dated November 13, 2013, attached as Exhibit 1.
- C.** I move that the Sumter Board of Appeals approve an alternate motion for BOA-13-16.

## **VII. ZONING BOARD OF APPEALS – NOVEMBER 13, 2013**

The Sumter City-County Board of Appeals at its meeting on Wednesday, November 13, 2013, voted to approve this request subject to the findings of fact and conclusions contained in the draft order, dated November 13, 2013.

**Exhibit 1**  
**Order on Variance Application**  
**Sumter Board of Appeals**

**BOA-13-16, 315 Kendal Ave. (City)**  
**November 13, 2013**

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Date Filed: November 13, 2013

Permit Case No. BOA-13-16

The Board of Zoning Appeals held a public hearing on Wednesday, November 13, 2013 to consider the request of Carolina Construction of Sumter LLC, 2138 Gin Branch Rd., Sumter, SC 29154 for a variance from the strict application of the Zoning Ordinance as set forth on the Form 3 affecting the property described on Form 1 filed herein. After consideration of the evidence and arguments presented, the Board makes the following findings of fact and conclusions.

1. The Board concludes that the Applicant ☒ **has** - ☐ **does not have** an unnecessary hardship because there are extraordinary and exceptional conditions pertaining to the particular piece of property based on the following findings of fact:
  - *There are extraordinary conditions pertaining to this property. Parcel is odd in shape and lacks sufficient depth to meet current setback standards.*
2. The Board concludes that these conditions ☐ **do** - ☒ **do not** generally apply to other property in the vicinity based on the following findings of fact:
  - *Adjacent parcels are more regular in shape and have sufficient depth to meet setbacks. Currently this is the only vacant parcel in this area, as well. Adjacent parcels are already developed.*
3. The Board concludes that because of these conditions, the application of the ordinance to the particular piece of property ☒ **would** - ☐ **would not** effectively prohibit or unreasonable restrict the utilization of the property based on the following findings of fact:
  - *Application of the ordinance will prevent the property owner from constructing a house on this parcel.*
4. The Board concludes that authorization of the variance ☐ **will** - ☒ **will not** be of substantial detriment to adjacent property or to the public good, and the character of the

district ☐ **will** – ☒ **will not** be harmed by the granting of the variance based on the following findings of fact:

- *The house, if constructed, will be approximately in line with the front of adjacent houses, which have front setbacks ranging from 20' to 30' according to aerial photography of the neighborhood.*

THE BOARD, THEREFORE, ORDERS that the variance is ☐ **DENIED** – ☒ **GRANTED**,  
**subject to the following conditions:**

Approved by the Board by majority vote.

Date issued: \_\_\_\_\_

\_\_\_\_\_  
Chairman

Date mailed to parties in interest: \_\_\_\_\_

\_\_\_\_\_  
Secretary

**Notice of appeal to Circuit Court must be filed within 30 days after date this Order was mailed.**